Before the
Federal Communications Commission
Washington, D.C. 20554

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| In the matter of | ) | |
| Telecommunications Relay Services and | ) | |
| Speech-to-Speech Services for | ) | CC Docket No. 98-67 |
| Individuals with Hearing and Speech | ) | |
| Disabilities | ) | |
| | ) | |
| Americans With Disabilities Act of 1990 | ) | |

**Comments of**
**The State of Maryland**
**Department of Budget & Management**

## INTRODUCTION

The FCC issued a Second Report and Order, Order on Reconsideration, and Notice of Proposed Rulemaking on June 17, 2003. The Maryland Department of Budget & Management (DBM) oversees the Maryland Relay provided through contract with a telecommunications company. DBM respectfully submits the following comments in response to this matter.

**Availability of SS7 Technology to TRS Facilities**

The State of Maryland concurs with the FCC's position that TRS callers should have access to SS7-type technology. During the previous RFP process and subsequent awarding of Maryland's TRS contract, access to SS7-type technology was specifically required. This technology has been available in Maryland since June 1, 2002. SS7-type technology has enabled Maryland Relay to transmit Caller ID information to the called party, to detect the calling party's Caller ID blocking choices selected via the LEC, to provide functionally equivalent local and long distance calling, and the ability to pass call digits to the appropriate Public Safety Access Point (PSAP) upon call delivery. It should be noted that the Caller ID call digits do not route the call to the appropriate PSAP. The routing of emergency calls is accomplished by technology utilizing the Automatic Location Information (ALI) in combination with access to the Public Switched Telephone Network (PSTN) database containing PSAP information. The ability of SS7-type technology to truly pass call digit information is imperative as the TRS industry strives to provide functionally equivalent services based on the receipt of this information by person receiving the call.

The State of Maryland concurs with the FCC and understands that SS7-type technology on a TRS platform will allow for the detection of the consumer's LEC based selection that determine whether or not to send their phone number to the other party. TRS systems that require a user to state their choice of sending Caller ID information on relay calls after previously indicating this choice to their local phone company is not functionally equivalent. This process could harm consumers who are unaware that they must indicate their preference to send call information on

each call, even though they have already established that preference with the Customer Premise Network (CPN) based service.

We are especially pleased that the Commission will require the transfer of Call Digit information to the most appropriate PSAP in the event of an emergency through SS7 or similar technology. Because SS7-type technology alone will not ensure the correct routing of a call to the appropriate PSAP, we further suggest that the FCC require access to the database used by the public switched networks for TRS providers. It is access to this shared database that allows the public switched network to automatically route the calls to the appropriate PSAP. At the current time, only carriers are allowed access to this database. Third party databases, such as the ones used by some TRS providers, are not updated as frequently nor as accurately as the shared carrier database. The lack of carrier designation is the historical reason for denying access to this and other important information. We suggest that the FCC establish some type of adjunct carrier service designation for TRS providers, which will allow necessary access to products, and services that are currently limited to carriers.

Since many TRS state administrators do not have access to the appropriate technical expertise on staff or readily available, the State of Maryland strongly suggests that each TRS provider's technical capabilities be reviewed and certified by the highly qualified technical resources at the FCC. States are held responsible for the provider's ability to meet the FCCs technical standards without individual state administrators having the appropriate technical ability to measure the validity of provider claims. Consequently, these states are vulnerable to non-compliance with FCC rules and/or loss of certification.

While the State of Maryland supports the flexibility discussed regarding the technical provision of SS7 capable technologies, we want to stress that provider "work-arounds" have lead state administrators to believe that they will have the full capabilities of this technology. After contract transition and/or payment of increased rates for improved service, these same states find that their TRS provider does not provide that capability to their consumers nor meet the FCC requirements.

The State of Maryland further suggests that the FCC undertake a comprehensive education effort in the TRS user community to inform users of the services, expectations, and capabilities of direct calls on the public switched network. This education will assist the user community in becoming effective advocates for current and future functionally equivalent phone capabilities through TRS.

**Transmittal of Calling Party Information**

The State of Maryland concurs with the FCC position that the transfer of Caller ID information to the most appropriate PSAP in the event of an emergency must be available and handled in the same manner as a direct call, not utilizing TRS, to a 9-1-1 center.

We agree that the TRS access number, the number of the person placing the call, or 7-1-1 be displayed on the Caller ID of the person receiving the call. The use of products such as Call Intercept is increasing and TRS facilities should not be permitted to have a platform that sends an "unavailable" message that will be blocked by Call Intercept. Use of "unavailable" by TRS providers defeats the purpose of Call Intercept, which is to intercept unsolicited calls.

We further suggest that if the TRS facility number is sent, that it be one constant, designated number. At the current time, the number sent may be any one of many trunk numbers from that facility. The use of a constant number received through a TRS call will assist with advertising TRS services and increase understanding of TRS in the business and user community. It will also assist users in identifying an incoming TRS call.

**Operational Standards**

**Waivers for Internet Protocol Relay and VRS**

The State of Maryland believes that the Commission's decision to waive the requirements that Internet Protocol Relay and VRS providers provide VCO-to-TTY, VCO-to-VCO, and HCO-to-HCO types of calls at this time due to unresolved technological problems is warranted. We wish to note that additional emphasis should be made by the Commission requiring Internet Protocol Relay and VRS providers to file annual reports detailing technological changes, progress made,

and steps taken towards resolution of these problems preventing provision of these services. Providers of Internet Protocol Relay and VRS should be fully certified on a basis equivalent to the certification process required by state relay systems. Some providers are processing calls, receiving reimbursement from the TRS fund and responding to customer complaints without any oversight by a state administrator or the FCC. During the NASRA meeting in New Mexico, it was stated that quality assurance on any call reimbursed by the TRS fund is non-existent and "falls into a black hole." It is suggested that the FCC form a separate group to closely monitor the increasingly popular and costly Internet Protocol Relay and VRS, as well as interstate relay calls.

**Handling Emergency Calls**

**Appropriate PSAP Wire line**

The State of Maryland is extremely pleased with the FCC's decision requiring TRS calls to be routed through the **most appropriate** PSAP rather than the **nearest** PSAP. As pointed out in our comments to the FCC dated August 15, 2002, in many geographic areas the nearest PSAP may be across the state, county, or other jurisdictional boundaries. The current, extensive Public Switched Telephone Network, PSAP databases and technology available for standard land-line calls must be made available to TRS users so they will benefit from the same protection available to voice callers when calling 9-1-1. It is suggested that TRS facilities have access to the original database used for voice callers rather than requiring 3rd party routing databases currently used on some TRS platforms. When 3rd party databases are used, those databases are not updated with the same frequency and level of accuracy as those used for voice telephone users. Emergency services often mean the difference between life and death, and functional equivalency through access to original data is the most appropriate method. We suggest that the FCC officially state that TRS shall have access to the original database information. Once the call is routed correctly to the most appropriate PSAP, SS7-type technology, (i.e. the switch used at Maryland Relay), has the capability of passing the call digit information to the PSAP should the caller hang up before being connected to that PSAP. This capability could be critical in the event of an emergency. It is the understanding of the State of Maryland that some vendors purchase databases, which are not updated on a functionally equivalent basis with the information used on

direct calls. Historically, LECs have refused TRS providers access to the most reliable information used by the public switched networks because TRS is not considered a common carrier.

The State of Maryland suggests that TRS be declared an adjunct carrier status with full access to information/services provided to other carriers, allowing functionally equivalent service via TRS. Since the FCC has stated that TRS is dial tone for TRS users, we feel that this is the only means to provide equal service for a person whether that person dials a call directly or uses TRS.

**Access to Speech-to-Speech Relay Services/Separate STS Nationwide Number**

N11 codes availability has dwindled and the State of Maryland agrees with the FCC that it would be premature to assign STS such a number at this time. If a more efficient access to 7-1-1 is devised (see Maryland Comments – FNPRM October 2003), an additional N11 code would be unnecessary. Currently, most TRS providers have limited centers providing STS and nationwide calls on their system are routed to these few centers. The limited number of Speech-to-Speech centers nationwide is an enormous problem for TRS providers and state administrators due to the many variations in regional speech patterns including accents, dialect, voice inflections, and rate of conversational speech. In some states, individuals speaking native languages other than English add to the complexity of providing Speech-to-Speech from centralized offices outside of that state. Providing access to all variations of the spoken language would be cost prohibitive for individual state programs

The State of Maryland suggests a dialogue of needs and possibilities initiated between STS users, STS providers, state administrators, and the FCC to formulate reasonable accommodations for the complexity of the provision of STS. It is vital that all involved parties keep in mind that any costs for this service, to either the state program or the provider, is ultimately passed on to the individual ratepayer. The State also believes that it is the responsibility of the parties involved to be attentive to increasing quality and functional equivalence while keeping aware of the guiding principle of the ADA regarding reasonable accommodations Requiring each state and/or area with a predominant second language to build a separate TRS facility would be cost

prohibitive. More stringent requirements for STS may backfire; causing some governing bodies to restrict all TRS to absolute FCC required services.

**Use of Dialing Menu**

The State of Maryland utilizes a dedicated 10-digit access number for STS callers. We would like to address the issue of access to all services via the abbreviated dialing code of 7-1-1. While this abbreviated dialing code has made the number of TRS easier to remember, it has also increased the time for a customer to connect to a TRS call using their appropriate mode of communication. Currently, in most states, more than 50% of inbound calls to TRS centers come in on 7-1-1. Access to a TRS CA/OPR requires anywhere from 24 – 45 seconds if a calling preference record is not established by the caller with the provider of that state's TRS system. There are several difficulties presented by this time lag:

- TRS users traveling to other states (thus not having a call preference record for that state) may wait much longer than expected to reach a CA/OPR to proceed with their call.
- As optional services are added to the list of features on a standard TRS platform in the future (VRS, Internet Protocol, CapTel-like technology, and future technologies) the time period required to reach a CA/OPR will increase and skew a state's measurement of ASA, rendering the ASA useless. (See Maryland Comments FNPRM October 2003)

**Technical Standards**

**Equal Access to Interexchange Carriers**

The State of Maryland applauds the FCC's affirmation that IXCs must take necessary steps to ensure that TRS users can place long distance calls using their IXC of choice when calling through relay. We further suggest that the FCC provide strong enforcement on the Carrier of Choice issue. Though this requirement has been reiterated in the rule making process as well as in specific public notices, many IXCs still choose not to comply. The State of Maryland, its TRS provider AT&T, and the Maryland Public Service Commission (PSC), has been proactive in contacting IXCs, encouraging carrier participation in the Maryland Relay platform. Despite aggressive efforts, Maryland Relay currently has fewer than 20% of the facility based IXCs available to customers. The Maryland PSC has no authority to enforce or encourage non-facility based IXCs to join the platform. Nationwide, state relay administrators do not have the staff or authority to require compliance of long distance carriers to satisfy functional equivalency for all.

Currently, some IXCs providing service to multiple states allow TRS customers to access their services only in the states where the relay administrators or TRS providers have pursued compliance. Ironically, customers of the same IXC in other states cannot access that IXCs long distances services via TRS though other customers can use it on direct calls.
Since IXCs operate in a multitude of states, the State of Maryland suggests that the enforcement bureau of the FCC be involved in instructing IXCs to comply with the existing FCC rules concerning accessibility to TRS platforms, or "show cause" why compliance is not possible.

**Additional TRS Features and Services**

**Automatic Call Forwarding**

The State of Maryland does not agree that mandatory Automatic Call Forwarding, as described, is a viable feature for the following reasons:

- If a TTY user has call forwarding established on a specific line and all incoming calls are forwarded to the TRS center, the call-forwarding feature will apply to all inbound calls to that line. If a hearing person calls the TTY user's home, he/she will be routed to the TRS center. When the CA/OPR out dials to the TTY user's home, the call forwarding is encountered and the call will be routed back to the TRS facility. This creates an endless loop and blocks that call's ability to access the relay center.
- Call Forwarding may only be established on an available phone line. To clarify this statement, an inbound or an outbound call cannot be established on a line while initiating the feature, i.e. pressing *XX. Since a TTY user may not dial TRS and then initiate call forwarding, the TTY user has no way of receiving the LEC messages and instructions for establishing the call-forwarding feature.

The State of Maryland suggests that the FCC require all voice prompted services/features provided by any LEC/IXC have an alternate TTY message for accessibility purposes. We further suggest that the FCC encourage discussions with carriers to discuss the accessibility of their various features under the Section 255 rather than require TRS providers to establish cumbersome work-arounds that may not work on future enhancements.

**Call Release**

The State of Maryland provides Call Release at the current time; however, we feel it is the FCC's responsibility to require that any charges for this feature not be passed on to the customer. If a call is switched to Operator Services for the Deaf (OSD), some providers to the customer's phone bill add a setup fee and/or other charges. If a charge for this service does appear on a customer's bill and the caller notices this error, and reports this problem to the provider/State administrator, the fee is not consistently waived. This practice is in violation of the ADA, Title IV Section 225.d.1.D - *"(D) require that users of telecommunications relay services pay rates no greater than the rates paid for functionally equivalent voice communication services with respect to such factors as the duration of the call, the time of day, and the distance from point of origination to point of termination*;

We realize that in some states a particular direct TTY-to-TTY call may be long distance, so a TTY user may choose to call another TTY user through the local TRS center and the call will be processed as a local call. The charges for this call are then picked up by the state TRS program and/or the NECA fund based on the boundaries of the call. The State of Maryland feels the requirement of SS7-type technology will eliminate this problem.

**Three-way calling**

The State of Maryland suggests open discussion on this issue and others that have the possibility of putting an undue burden on the State ratepayers. While we strongly encourage functional equivalence and have been a leader in providing new, more functionally equivalent features in Maryland, we must also state our concerns regarding abuse/misuse of these features resulting in prohibitive costs.

The State of Maryland provides a feature called Maryland Conference Relay. We feel that having conference ability with multiple lines is insufficient for functionally equivalent access to business conference calls, a staple of the hearing business world, and the typing speeds of the standard TRS CA/OPR are not sufficient to allow a TTY user access to the conference call.
In compliance with the Maryland RFP, the current TRS provider, AT&T, contracted with a captioning company to provide faster access to the information spoken on the conference call.

To access this service, the TTY user must:

- call Customer Service two days prior to the call to reserve the time, supplying pertinent call information.
- have a high-speed PC connection using HyperTerminal.
- call into the Maryland Relay ten minutes prior to the conference call.
- wait until the Real Time Transcriber (RTT) is conferenced in after being connected to the conference relay operator.
- wait for the operator to dial the predetermined conference bridge or dial-in connections.
- participate in the call while taking responsibility for telling others on the call what is happening, and controlling the speed and number of people speaking for him/herself.

While the State of Maryland thinks this is a wonderful product with the potential to give business people using TTYs access to telephone conferences, misuse has already been evident. Some businesses will try to set up a conference call for an in-house meeting that lasts for hours rather than provide a live sign language interpreter for meetings. Sign language interpreters are covered under workplace accessibility laws and are to be provided by the workplace. Some businesses want to shift this financial burden to the ratepayers through Maryland Conference Relay rather than bear the expense themselves. We have also seen this happen with VRS.

**Public Access to Information and Outreach**

The State of Maryland has been a strong advocate of a national TRS advertising campaign. Written and verbal feedback regarding the necessity of a national outreach program has been submitted to the FCC on numerous occasions. Until TRS becomes part of the national consciousness, success with individual state outreach programs will be compromised. The State of Maryland strongly supports a media campaign including a flight of 30-second commercials run nationally featuring well-known individuals placing a relay call. Think of the impact, understanding, and acceptance that would be the result commercials showing Christopher Reeves using HCO, Marlee Matlin using VCO, or the President using a CapTel phone. On the heels of an easily identifiable national commercial, state programs will be able to effectively supplement their own outreach. A coordinated national effort is necessary to reach the growing number of senior citizens in this country with hearing and speech loss and the people that they contact. We

applaud the FCC for seeking feedback and ideas from various sources on this issue. We look forward to reviewing the input from the FCC's Consumer Advisory Committee (CAC). TRS administrators, providers and users, hereafter referred to as the stakeholders, have the majority of information and experience regarding TRS. The FCC is encouraged to put national outreach and advertising on the fast track at this time. The State of Maryland feels action on this issue is long overdue. The State of Maryland, in our comments to the FCC on May 4, 2000 and June 14, 1999, states:

"*The ADA and FCC regulations have insured the availability of TRS nationwide. However, amongst the general population, it is still a little known and underused telecommunications tool. The majority of people in the country who are aware of TRS think that it is a "specialized service" for an extremely small segment of the population. It is imperative that TRS features in general, it's its role in reestablishing telephone independence for our aging population, and the tremendous potential for positive financial impact on the business community, becomes part of the national consciousness. When this happens, the number of TRS users will grow exponentially, as each person and each business in the United States realizes that losing the ability to hear or speak clearly on the phone no longer means the end of business and personal phone communication. When the general public and the business community begin to use TRS as a valid telecommunications tool, strides toward functional equivalency and improvements to TRS will not have to be instigated solely through regulation. Enhancements and increased quality of service will begin to be driven by the marketplace, as with other areas of the telecommunications industry.*"

To ensure maximum effectiveness, a national outreach campaign, funded by the interstate TRS fund must be implemented and coordinated by an independent advisory council/special board, with input from all stakeholders. With the coordination of this independent council/board, all stakeholders will have active input into the national outreach program. This national campaign will augment the state/area specific outreach, making each state's individual outreach program more effective.

We feel the all certified TRS state and vendor programs should include, and budget for, outreach efforts to obtain the similar increased public awareness and increased number of callbacks to relay users experienced in Maryland.

ORDER ON RECONSIDERATION IN CC DOCKET NO. 98-67

**Communication Assistants**

**CA Minimum Typing Speed at Hire**

The State of Maryland applauds the Commission's decision to maintain the minimum mandatory CA/OPR typing speed at 60 WPM at time of hire instead of lowering it to 45 WPM or 55 WPM. We further suggest that the FCC include in this measurement a specific error rate to be used when calculating the WPM compliance of operators on a functionally equivalent level with the acceptable measures used in the business community. To require a rate of 60 WPM without a clearly defined error calculation renders the measurement useless. Some TRS providers clearly state that they do not utilize an error rate when testing CA/OPR on typing speed.

**CA In-Call Replacement Time and Session Logs for STS**

The State of Maryland agrees that the Commission's requirement that a CA/OPR remain with an STS call for a minimum of 15 minutes is correct and should not be changed.

**Qualified Interpreter Definition**

The State of Maryland supports the position of the FCC and NAD/CAN/TAN that the definition of "qualified interpreter" remains as defined in the Improved TRS Order. We believe this requirement is absolutely necessary for the provision of an effective VRS program. VRS requires interpreters have a broad range of skills and vocabularies to provide service meeting the expectations of a diverse TRS user population.

**Speed of Answer Requirements**

The State of Maryland suggests that a new measurement be calculated for answer speed for all features of TRS that are reimbursed by the state programs or the NECA fund. When ASA was originally established, the idea behind it was to ensure that a TRS user is able to reach an operator and out dial a call as quickly as possible. The State of Maryland asks that the FCC consider revamping the entire way this part of a relay call is measured. Currently, as discussed earlier in these comments, customers without pre-established preference records may wait up to 45 seconds before arriving at an operator station to be set up or dialed out for standard TRS.

A different calculation for each type of call must be agreed upon. The State of Maryland believes that since state administrators have no oversight authority regarding these calls that are reimbursed by NECA, the state administrators, the FCC and TRS providers should meet to reassess the measurements for all approved TRS services.

TRS providers purport that reimbursement rates for specialized TRS products must be sufficient to support the current products or the queue/wait times will increase, quality of these calls will diminish and the goal of functional equivalency will not be met. Since the newly established reimbursement rate has been in effect, the hours of operation and availability of interpreter/operators has declined for some VRS providers.